

AMENDED IN SENATE JANUARY 26, 2005

**SENATE BILL**

**No. 28**

**Introduced by ~~Senator~~ ~~Senators Battin-Poochigian, Alquist, and Speier~~**

December 8, 2004

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~~An act to add Section 14682 to the Government Code, relating to state property. An act relating to human remains, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 28, as amended, ~~Battin Poochigian. State property: use of real property: Department of General Services Human remains: the Metropolitan Anthony Gerigiannakis.~~

*Existing law requires the local registrar of births and deaths, if the certificate of death is properly executed and completed, to issue a permit for disposition that specifies where the burial or interment will take place.*

*This bill, notwithstanding the above requirement or any other provision of law, would authorize the local registrar of births and deaths in the County of Fresno to issue a disposition permit for the burial of the Metropolitan Anthony Gerigiannakis on the grounds of the St. Nicholas Monastery in the County of Fresno and would permit those remains to be so interred.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing law generally sets forth the duties and authority of the Department of Finance in overseeing the fiscal affairs of the state and the duties and authority of the Department of General Services in acquiring, assigning, and maintaining property on behalf of state agencies.~~

~~This bill would provide that final determination of the use of existing state-owned or state-leased office space that is currently under the jurisdiction of the Department of General Services by state agencies shall be made by the Department of General Services with the concurrence of the Department of Finance. It would provide that the request of an agency to acquire new facilities requires the approval of the Department of Finance in addition to any applicable requirement of approval by the Legislature. It would require the Department of General Services to procure approved new facilities for any agency that currently leases, purchases, acquires, or constructs its own office space through the department that meet the agency's needs using cost efficiency as a primary criterion, among any other agency-specific criteria, as applicable. It would require the Department of General Services to first consider the utilization of existing state-owned, state-leased, or state-controlled office facilities under the control or authority of the Department of General Services that meets that criterion before considering the leasing of additional office facilities on behalf of a state agency. It would also require that when tenant state agencies located in existing state-owned office space vacate their premises, they continue to pay rent for the facilities unless and until a new tenant can be assigned or until the Department of General Services can negotiate a mutual termination of the lease, unless the department has generated the tenant's relinquishment or the tenant is vacating in accordance with the provisions of its lease agreement.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~yes~~  
no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Notwithstanding Sections 7054 and 103055 of
- 2     the Health and Safety Code, or any other provision of law, the
- 3     local registrar of births and deaths in the County of Fresno may
- 4     issue a disposition permit for the burial of the Metropolitan
- 5     Anthony Gerigiannakis on the grounds of the St. Nicholas
- 6     Monastery in the County of Fresno and those remains may be so
- 7     interred.
- 8     SEC. 2. Due to the unique circumstances concerning the
- 9     County of Fresno, the Legislature finds and declares that a

1 *general statute cannot be made applicable within the meaning of*  
2 *Section 16 of Article IV of the California Constitution.*

3 *SEC. 3. This act is an urgency statute necessary for the*  
4 *immediate preservation of the public peace, health, or safety*  
5 *within the meaning of Article IV of the Constitution and shall go*  
6 *into immediate effect. The facts constituting the necessity are:*

7 *In order that the reinterment of the Metropolitan Anthony*  
8 *Gerigiannakis on the grounds of the St. Nicholas Monastery in*  
9 *the County of Fresno may take place as soon as possible, it is*  
10 *necessary that this act take effect immediately.*

11 ~~SECTION 1. Section 14682 is added to the Government~~  
12 ~~Code, to read:~~

13 ~~14682. (a) Final determination of the use of existing~~  
14 ~~state-owned and state-leased office space that is currently under~~  
15 ~~the jurisdiction of the Department of General Services by state~~  
16 ~~agencies shall be made by the Department of General Services~~  
17 ~~with the concurrence of the Department of Finance.~~

18 ~~(b) A request of an agency to acquire new office facilities~~  
19 ~~through lease, purchase, or construction shall require the~~  
20 ~~approval of the Department of Finance in addition to any~~  
21 ~~applicable requirement of approval by the Legislature. In~~  
22 ~~addition to any other applicable requirements, the Department of~~  
23 ~~General Services shall procure approved new office facilities for~~  
24 ~~any agency that currently leases, purchases, acquires, or~~  
25 ~~constructs its own office space through the department that meet~~  
26 ~~the agency's needs using cost efficiency as a primary criterion,~~  
27 ~~among any other agency-specific criteria, as applicable. The~~  
28 ~~Department of General Services shall first consider the utilization~~  
29 ~~of existing state-owned, state-leased, or state-controlled office~~  
30 ~~facilities under the control or authority of the Department of~~  
31 ~~General Services that meets that criterion before considering the~~  
32 ~~leasing of additional office facilities on behalf of a state agency.~~

33 ~~(c) When tenant state agencies located in existing state-owned~~  
34 ~~office space vacate their premises, they shall continue paying~~  
35 ~~rent for the facilities unless and until a new tenant can be~~  
36 ~~assigned or until the Department of General Services can~~  
37 ~~negotiate a mutual termination of the lease. If the department~~  
38 ~~generates the tenant's relinquishment, or if the tenant is vacating~~  
39 ~~in accordance with the provisions of its lease agreement, the~~

1 ~~tenant shall not be obligated to pay rent after vacating the~~  
2 ~~premises.~~

3 ~~(d) The Legislature finds and declares all of the following:~~

4 ~~(1) It is not the intent of the Legislature in enacting this section~~  
5 ~~to increase the jurisdiction of the Department of General Services~~  
6 ~~over construction, facilities, and real property that is not under~~  
7 ~~the jurisdiction of the department on the date that this section~~  
8 ~~takes effect.~~

9 ~~(2) It is the intent of the Legislature that existing state-owned~~  
10 ~~or state-leased offices are fully utilized by state agencies before~~  
11 ~~entering into new leases by permitting the Department of General~~  
12 ~~Services and the Department of Finance to control office facility~~  
13 ~~use by state agencies.~~

14 ~~(3) It is the intent of the Legislature that mere cost efficiency~~  
15 ~~is not the sole criteria to be used in evaluating new leases or~~  
16 ~~acquisition of office facilities by state agencies. Other factors to~~  
17 ~~be considered should include, but need not be limited to, access~~  
18 ~~to the agency's customer or constituent base, security,~~  
19 ~~convenience of location, design for employees, and other~~  
20 ~~program needs and requirements.~~